



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2867



Laurent Boisvert
PO Box 135
Lyndeborough, NH 03082

Portable Privies, Inc.
PO Box 135
Lyndeborough, NH 03082

**ADMINISTRATIVE ORDER
No. WD 01-20**

May 23, 2001

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Water Division to Laurent Boisvert and Portable Privies Inc. pursuant to RSA 485-A:22. This Administrative Order is effective upon issuance.

B. PARTIES

1. The Department of Environmental Services, Water Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 6 Hazen Drive, Concord, NH 03301.
2. Laurent Boisvert is an individual having a mailing address of PO Box 35, Lyndeborough NH 03082.
3. Portable Privies Inc ("PPI") is a corporation registered to do business in New Hampshire having a mailing address of PO Box 135, Lyndeborough, NH 03082

C. STATEMENTS OF FACTS AND LAW

1. RSA 485-A:4, XVI-a authorizes DES to regulate septage management activities, including septage transport and septage disposal, through a permit system. Pursuant to RSA 485-A:6, X-a, the Commissioner has adopted NH Admin. Rules Env-Ws 1600 to implement the Septage Management Program.
2. Mr. Boisvert is a licensed septage hauler in New Hampshire, No. NHS491. Mr. Boisvert is the principal of PPI, a portable toilet business operated from Mr. Boisvert's home on Johnson Corner Rd., Lyndeborough, NH ("the Property").
3. Env-Ws 1604.02(a) prohibits any person from managing septage at any place which does not have a site or facility permit issued in accordance with Env-Ws 800 or Env-Ws 1600, a wastewater treatment facility permit or groundwater permit issued under RSA 485-A:13, or a solid waste facility permit issued under RSA 149-M.
4. The Property is not a permitted septage disposal site or facility under Env-Ws 800, Env-Ws 1600, RSA 485-A:13, or RSA 149-M.

5. An inspection by DES personnel of the Property on March 3, 2000 confirmed that Mr. Boisvert was disposing septage into a septage lagoon ("the lagoon") on the Property.
6. The March 3, 2000 inspection of the Property prompted DES to issue an LOD to Mr. Boisvert on April 14, 2000, requesting he cease and desist disposal of septage into lagoon on the Property and close the lagoon on the Property.
7. An inspection by DES personnel of the Property on January 11, 2001 confirmed that Mr. Boisvert had closed the lagoon on the Property.
8. An inspection by DES personnel of the Property on April 30, 2001 confirmed that Mr. Boisvert was continuing to dispose of septage on the Property, however, Mr. Boisvert was disposing the septage at a new location on the Property (not the former lagoon which is now closed).
9. Env-Ws 1605.10(b) requires each holder of a septage hauler permit to maintain records of each load of septage hauled, including the date the load was received or picked up; the name and address of the client(s); the volume of the septage transported, in gallons; the site, facility, or wastewater treatment facility at which the load was discharged; and the date on which the load was discharged.
10. During the April 30, 2001 inspection, DES personnel confirmed that Mr. Boisvert was not maintaining the records required by Env-Ws 1605.10(b).

D. DETERMINATION OF VIOLATIONS

1. Larry Boisvert and PPI have violated Env-Ws 1604.02(a) by disposing of septage at an unpermitted site.
2. Larry Boisvert and PPI have violated Env-Ws 1605.10(b) by not maintaining the required septage-hauling records.

E. ORDER

Based upon the above findings, DES hereby orders Larry Boisvert and PPI as follows.

1. Immediately cease and desist all septage disposal activities on the Property.
2. By June 1, 2001, clean up all areas on the Property where illegal disposal of septage has occurred and notify DES that the remediation action has been completed.
3. By June 2001, submit the following to DES
 - a. All signed agreements with septage facilities/sites and wastewater treatment facilities accepting septage for disposal from PPI; and

- b. Signed agreements with all septage haulers who will be hauling septage from PPI to an appropriate septage disposal site/facility, in the event PPI can not find a legitimate septage disposal facility willing to take PPI portable toilet waste for disposal.
4. Submit septage hauling records as they relate to pumping and hauling septage from PPI portable toilets on a biweekly basis beginning Friday, June 1, 2001 and ending December 31, 2001. Include all information required by Env-Ws 1605.10(b).
5. Send correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:

Laura Hayes, Sludge and Septage Section
DES Water Division
6 Hazen Drive
Concord, NH 03301
Fax: (603) 271-4128
e-mail: lhayes@des.state.nh.us

F. APPEAL

Any person aggrieved by this Order may appeal the Order to the Water Council by filing an appeal that meets the requirements specified in Env-WC 200 within 30 days of the date of this Order. Copies of the rule are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve Mr. Boisvert and PPI of their obligation to comply with the Order.

G. OTHER PROVISIONS

Please note that RSA 485-A:22 provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself.


COPY
Harvey T. Stewart, P.E., Director
Water Division


COPY
Robert W. Varney, Commissioner

Certified Mail/RRR: 7099 3400 0003 0690 494

cc: Gretchen Rule, DES Enforcement Coordinator
Public Information Officer, DES PIP Office
NH AGO
Lyndeborough Board of Selectmen
Lyndeborough Health Officer



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
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May 21, 2001

Larry Boisvert
Portable Privies
PO Box 135
Lyndeborough, NH 03082

Dear Mr. Boisvert,

Attached you will find an Administrative Order issued to you by the Department of Environmental Services. From our perspective, *septage includes toilet paper and other solids generated from dumping septage on your property*. If you have any questions about what the department is ordering you to do, please call me immediately at 271-2492.

Sincerely,

COPY

Laura M. Hayes, Sludge & Septage Section

H:/Sludge & Septage/Enforcement/Larry Boisvert Cover Letter

Gretchen Rule, DES Enforcement Coordinator
Public Information Officer, DES PIP Office
NH AGO
Lyndeborough Board of Selectmen
Lyndeborough Health Officer